

Representative Democracy in the United States :

AN ADDRESS

DELIVERED BEFORE THE

SENATE OF UNION COLLEGE,

ON THE

26th JULY, 1841.

By BENJAMIN FRANKLIN BUTLER.

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Union College, July 27th, 1841.

Hon. B. F. BUTLER,

Dear Sir:

On behalf of the Senate of Union College, we are instructed to communicate to you their thanks for the address delivered last evening, and to request a copy for publication.

SAURIN E. LANE, }
HUGH B. BULL, } *Committee.*
C. W. STOOHOFF, }

Schenectady, July 28, 1841.

GENTLEMEN,

I have had the honor to receive your note of yesterday, and in compliance with your request, will place a copy of my address at your disposal.

Very respectfully,

Your ob't serv't,

B. F. BUTLER.

MESSRS. SAURIN E. LANE, }
HUGH B. BULL, }
C. W. STOOHOFF, }

Committee of the Senate of Union College.

ADVERTISEMENT.

The SENATE OF UNION COLLEGE, is a society recently formed in that institution, composed of the members of the Senior Class, for the time being, and of some of the Faculty, the object of which is, by the discussion of questions of a public nature, in the various forms of a legislative body, to promote facility and skill in debate, and to acquire a knowledge of the rules and usages of parliamentary assemblies.

ADDRESS.

ON the 4th day of July, 1754, at a place not far distant from that in which we are assembled, a document received the signatures of commissioners representing the colonies of Massachusetts, New-Hampshire, Rhode-Island, Connecticut, New-York, Pennsylvania, and Maryland. It expressed the results of a conference, held in pursuance of royal authority, for the purpose of concerting measures to protect and defend the Anglo-American Colonies against present encroachments of the French, and expected hostilities from them and the Indians under their control.

A man of plain exterior and simple manners, not yet fifty years of age, is acknowledged and looked to by the members of this council (the gravest which has ever assembled in the colonies) as the master spirit of the body. Uniting to the strong common sense, integrity and enterprise of the New-England race, a large and diversified acquaintance with men and things; and grafting on the humble stock of a free-school education and a mechanical pursuit, powers of observation, of induction and of inventive

genius, which had carried him to the sublimest heights of physical science; he is just beginning to display, for the instruction of his countrymen and the benefit of mankind, that intuitive knowledge of the principles of government, and that practical, comprehensive and far-reaching statesmanship, which made him, for so long a period, an oracle to America and a wonder to the princes and ministers of Europe.

Looking beyond the narrow circle described by the English ministry in their instructions to the council, he sees, on the American continent, two millions of people, sprung from a common ancestry, but now thinly scattered along a thousand miles of the Atlantic coast; having, in common, many sympathies and interests, but distinguished from each other by various habits and institutions, the growth of diversities in climate and of other circumstances peculiar to each; subjects of one king, but divided into thirteen distinct governments; separated by arms of the sea, by unbridged rivers, and by trackless forests; and all experiencing the poverty and vassalage of colonial dependence. Glancing at the condition of these colonies, and at the great natural advantages of the regions in which Providence had placed them, he feels that they should indeed be united, not merely for present defence against the dangers to which they are now exposed, and which may pass away as rapidly

as they have arisen; but in a perpetual league and union, and under the *ægis* of a confederated government. And in spite of obvious objections drawn from extent of territory, from diversity of habits and interests, and from the history of former confederations, he believes that a union may be formed, and a central government established, which, without impairing the useful individuality of the several colonies, shall yet greatly promote the welfare of their inhabitants and the glory of their sovereign. He presents, in familiar talk, (the only species of the persuasive art with which nature has endowed him,) the outlines of his scheme; he urges its practicability, its necessity, its advantages; he answers the opposing considerations, and through the vista of future years, opens to the sight of his doubting auditors, that career of prosperity and of renown which, to his own sober and well balanced imagination, is already a reality. Though his prophecies are but half believed, his arguments are successful; he is deputed to commit to writing the details of his plan; and it is to the signing of the paper thus prepared by him, that I referred in my opening remark. This paper, it is almost needless to add, is "*The Albany Plan of Union*;" its author, BENJAMIN FRANKLIN, one of the commissioners for the colony of Pennsylvania.

On the same 4th day of July, 1754, a very different scene is going on in the depths of the primeval forests which skirt the head waters of the Ohio. The remains of a regiment of provincial levies and volunteers are marching from a rude stockade hastily prepared, under the pressure of an emergency commemorated in its name. The possession of this defence they are now yielding to a vastly superior force of French and Indians. It is evident, however, that the act involves no dishonor; for their country's flag floats proudly over them; they move to the strains of inspiring music; their countenances, though flushed with the excitement of the bloody conflict which has just ended, and tinged with sadness at the recollection of their fallen comrades, yet beam with satisfaction and conscious self-respect; the chivalry of France awards its homage; and even their savage enemies, calmed by the remembrance of their bravery to unwonted quietude, suffer them to pass without assault or hindrance. Their leader is viewed by both classes of his foes with strong and irrepressible emotion. A youth of twenty-two; unpractised in the art of war, and unexpectedly called to the command by the death of his superior; he had promptly placed his troops, at the approach of danger, in the best posture for defence, and had inspired them, by his example, to emulate the fortitude and courage of veteran soldiers.

A protracted and sanguinary onset has been successfully resisted; and the well-fought day has closed, at the instance of the assailants, with a capitulation, securing to the garrison, in addition to all the honors of war, the more substantial advantages of an unmolested return to their homes and firesides. You anticipate my words, and recognize at once in the scene I have described, the surrender of *Fort Necessity*; in the leader referred to, GEORGE WASHINGTON, of Virginia.

GENTLEMEN OF THE SENATE OF UNION COLLEGE:

THE individuals selected for the purpose of bringing together the events to which I have adverted, may be regarded as exponents of the two great classes into which the prominent actors in the drama of the American Revolution may be divided; the one representing the civilians, sages and statesmen, and the other the military force, the warriors, and commanders of that heroic age.

The events themselves, though full of interest to the parties engaged in them, and especially to the leaders I have named, seemed even to them of comparatively little moment to the rest of mankind. The proposal of the one, and the achievement of the other, became known to but few of the courts and cabinets, the statesmen and philosophers of Europe; and when known excited little of regard and less of

expectation. And yet through them, the Providence which guides the destinies of nations, set in motion a train of causes, which, in less than thirty-five years, had effected the independence of the Anglo-American Colonies; had infused into the polity and institutions of each, a large measure of democratic liberty; had bound together all in perpetual union; had established over them a wise, practicable and efficient central government; and had ushered in a new era in the science of politics—a new movement in the progress of humanity. Each was a deep and overflowing spring, sending forth living streams of noiseless influence, soon to be united in a broad and powerful flood, destined to bear on its bosom the ark of American liberty, independence and representative government.

In the development of this thought, you have the theme of my discourse—*Representative Democracy in the United States*.

The Albany Plan of Union, though rejected by the King as too friendly to the people, and by the colonies as too favorable to the crown, made the idea of a union between the colonies and of a federal government, founded on the principle of equal representation, for the management of their more important national affairs, familiar to the people. This idea was not like seed cast on stony ground, or by the

way-side; it sank deep into the popular mind; it soon began to show itself in organized and living forms. As the acorn in the rich mould, it sprang up a hardy plant; it grew slowly but surely; striking its roots far into the earth; spreading abroad its luxuriant branches, and furnishing shade and shelter to the millions beneath it.

The coolness, vigor and self-reliance displayed by Washington, on assuming the charge left vacant by the death of his commander; the promptitude and skill with which, on the approach of his formidable enemy, he selected and strengthened his position; the personal bravery he exhibited in the siege; the honorable terms he secured for himself and his companions in arms; established his military character; commanded the public thanks of the House of Burgesses of Virginia; and fixed on him the regards and admiration of his countrymen in the other colonies. This was the foundation of the confidence so early and so long reposed in him as a military commander. It was the beginning, and as we can now see, a most fit and necessary beginning of that course of beneficence and of glory which Providence had commissioned him to fulfil.

The year 1776 is come, and it is again the 4th day of July. Again the Council Board claims the services of Franklin, now indeed a Nestor in years as

well as in wisdom, and again a paper, in the preparation of which he has been appointed to take part, is receiving the signatures of the assembly. Washington, in the full vigor of his powers, is again in the camp. But though each, as before, is tasking himself to the utmost for the union and defence of English-America, how changed the circumstances of their country, and how variant their own positions, responsibilities and hopes!

The twenty-two years which have intervened have added a million to the population of the colonies; the towns on the sea board have increased in size and opulence; the back settlements have been pushed to the waters of the Ohio; and the axe and the hammer are heard on the banks of the Miami and the Wabash, while the commercial enterprise of the New-England colonies, and the industry and courage with which they vex even distant oceans by their fisheries, are themes of eulogy in the British House of Commons.

But with this prosperity at home, there has been a long train of abuses and usurpations from abroad. Rights derived from solemn charters, and from sources more sacred than human grants, have been deliberately violated and set at nought; and when, after exhausting petition and remonstrance, the people have resolved to refuse obedience to edicts so unna-

tural and oppressive, the whole military and naval power of the empire is employed to reduce them to subjection. Again, throughout the colonies is heard "the confused noise of the warrior;" again are seen "garments rolled in blood." But 'tis no longer to defend the claims of the British King to the wide regions of the west, or to protect the frontiers from the French and their allies; it is to defend, by civil war—*by a war of revolution*—the sacred cause of human rights and human progress. To make known to the world, the reasons of a movement so solemn; and to pledge to its support "their lives, their fortunes, and their sacred honor," the paper to which we have referred—the most important of mere human authorship in the history of our race—has been prepared and is now receiving the signatures of the representatives of the colonies. Simultaneously with it, preparation is made for establishing a confederated government, a plan for which purpose, drawn by the same hand which draughted the plan of union of 1754, had been presented to the body more than a year before. It is at length matured; and the Albany Plan of Union, with such alterations and additions as the change of circumstances required, becomes the "Articles of Confederation and Perpetual Union" between the thirteen sovereign and independent states which have just thrown off the British yoke.

These bold and momentous proceedings are to be sustained in the battle field, amid innumerable difficulties, and against the most fearful odds; and to George Washington, now General and Commander-in-chief of the armies of the United States, this high and holy trust has been unanimously committed. How fully he deserved this confidence, and how nobly he redeemed it, it were needless to repeat.

The streams of influence of which I spoke, have now been blended; and the ark of American liberty, independence, and representative government, has been launched amid the hopes and fears, the vows and prayers of its builders.

Another cycle, shorter than the preceding, but more stirring and eventful, has revolved. The struggle for American Independence has been crowned with complete success, by the surrender of the last British army to Washington at Yorktown, and by the treaty of peace negotiated soon after, at Versailles, by Franklin and his associates. The army has been disbanded; Washington has voluntarily surrendered his commission, and has enjoyed for years, amid the peaceful occupations of rural life, the sweetest reward a conqueror can win—the affectionate homage of the people he has delivered. But another crisis, though of a different sort from those we have before contemplated, is come. The articles of confederation have

been found insufficient to secure tranquillity at home, or to inspire confidence abroad, and the fathers of the Republic, filled with apprehensions which the fleets and armies of Great Britain had never inspired, are again convened to deliberate on the means of "forming a more perfect union, establishing justice, insuring domestic tranquillity, providing for the common defence, promoting the general welfare and securing the blessings of liberty to themselves and their posterity." Again we find the illustrious two employed, as before, in laboring for the happiness of their country, though now for the first, associated in council. The one now bends under the weight of more than four score years; but he still displays all the justice, moderation and love of country, and much of the sagacity and address which distinguished his brightest days; the other has brought with him, in their maturity, that exalted patriotism, that calm, unrivalled judgment, and that disinterestedness and inflexibility of purpose, in view of which, he is so fitly placed at the head of the convention. Long and arduous are its labors; often does it seem, that no plan commensurate with the necessities of the crisis, can unite the voices of a majority of the states; and often do the hearts of the patriot sages wither within them, at a prospect so alarming. Happily for us and for the world, these apprehensions are at length dispelled; a

constitution, remedying the defects of the confederation and fully adequate to all the purposes of a paternal and efficient national government, is agreed on; submitted to the people of the several states; finally approved by them; and put in complete and useful operation; and all without bloodshed, violence or confusion.

Representative Democracy, in the United States, has now received its last, its crowning development. In the internal polity of the several states, and over a confederacy such as the world has never seen, it dispenses the blessings of peace, liberty and justice. To foreign nations it displays itself in forms which command universal respect. To philosophers and statesmen, it presents new subjects of study and reflection; and to down-trodden man, in every quarter of the Globe, it hangs out a banner of hope, a signal of deliverance.

The great experiment has been gloriously successful. The United States, in every stage of their career; in peace and in war; in the arts of social life; in political science; in knowledge and morals and religion; have vindicated the wisdom, the safety, the beneficence of Representative Government, founded on the broadest basis of Democratic Liberty.

If we inquire into the causes which have given to democratic institutions in the United States, this unexampled success, we shall find the most prominent, *first*, in the adaptation of the *people* to such institutions; *secondly*, in the conformity of the systems they established to the true principles of the *popular sovereignty*; and *thirdly*, in the capacity of those systems to secure the right of opinion and the opportunity of enforcing it by argument; and after discussion and advisement, to concentrate and to execute, in a deliberate and peaceful manner, the will of the majority.

It is a first truth in political science,—one repeatedly inculcated by Revelation, and confirmed by experience in all ages,—one which, though perfectly trite, is yet so important as to deserve frequent repetition—that intelligence and virtue in the mass of the people and in their rulers, are indispensable to the success and preservation of even the best political institutions. Both in respect to intelligence and virtue, the early settlers of most of the colonies, and their descendants to the time of the Revolution, were a distinguished race. Those who were reared abroad had received tolerable educations, and possessed a good share of the political knowledge diffused among the classes to which they belonged in the mother country. The early colonists of New-England were indeed much above the general level of their respec-

tive orders, and many of them were highly educated men. And as to personal virtue—Puritan virtue, especially in the sterner aspects, so suitable to a republic, has its praises throughout the world.

The experience of the colonists in self-government was also coeval with their settlement here. In Virginia, from the time of the organization of the House of Burgesses in 1619, and in each of the other colonies, from an early day, the people were represented, by free elections, in the legislative assemblies. In several of the colonies, many executive and administrative officers were chosen in the same way; and the great principles of representative democracy thus became familiar to the minds, and consecrated in the affections, of the people. The circumstances in which they were placed saved them, on the one hand, from princes and lords; and on the other, from a degraded peasantry. This general equality of conditions favored equality of privileges; the right of suffrage was substantially universal; and without much aid from education, almost every man was sufficiently acquainted with his duties as a citizen, to exercise that right with intelligence and safety.

At the commencement of the struggle which ended in the revolution, the inequalities consequent on a growing and successful commerce, and on the natural increase of wealth and refinement in the interior, had

begun to manifest themselves; but except in the larger towns, there was little to impair the homogeneity of the mass. The great body of the people were still intelligent and reflecting men; men sufficiently instructed to understand the great questions at issue between the British Parliament and their own legislative assemblies; men sufficiently generous and spirited, to maintain their chartered rights, their rights as *Englishmen*, their rights as *men*, at every hazard. From the peculiar character of the points in contest, the leaders in the controversy were mostly lawyers; but the hardy cultivators of the soil; the mechanics and laboring men; the merchants and others engaged in trade; in a word, the whole American people, with comparatively few exceptions, embarked with ardor in the common cause, and gave to it, through seven long years of harassing and bloody war, that cordial and unwavering support, without which its triumph could not have been achieved.

Wars of every kind, and above all, civil wars, are injurious to the progress of intelligence and virtue; but the elevated motives which induced the American people to engage in the war of independence, encouraged the growth of manly sentiment, and rendered the conflict less injurious to morals than such wars usually are. Besides, the ground lost in this respect,

was soon made up by the new and happy impulse given to education, and to the other means of public enlightenment, on the adoption of the Federal Constitution. And if the means for the acquisition and diffusion of knowledge and for religious and moral culture, have not kept pace, in all parts of the Union, with the progress of population, they have yet been sufficiently numerous, to diffuse, among all classes of the people, the rudiments of instruction, and to preserve among them, the virtue requisite to sustain the institutions they enjoy.

Representative government necessarily implies the supremacy of the constituents over the agents to whom they have delegated their authority, and entrusted the management of their concerns. When it emanates, freely and in just proportions, from the whole people, it is as much a government of the *people*, as the more simple form of an immediate democracy. The only difference is, that in the one case the people act personally; in the other, by their substitutes.

Obvious to us as this doctrine is, it was first brought to light, with other kindred truths, by the American Revolution, in the new institutions to which that movement gave birth.

The idea of popular sovereignty, as preserved in the writings of ancient philosophers, and in the his-

tory of their times, is that of a simple democracy, in which the powers of government are exercised by the people, in their aggregate capacity. In monarchies and aristocracies, they regarded the sovereign power as lodged, *not* in the *people*; but in the *monarch* or the *aristocracy*, as the case might be. Nor did the mixture of the democratic form with either of the others, or with both, vary their notions on this point. They placed the sovereignty, in such cases, in all the branches of the government combined, but not in the people. These limited views were perpetuated during the middle ages; and to this day they are entertained in Great Britain. In that country, according to Blackstone and other text writers, the supreme power of the state resides, not in the people, but in the King, the Lords Spiritual and Temporal, and the Commons, in Parliament assembled. It is a necessary consequence of this principle to render the legislature absolute; and so far as the House of Commons forms a part of it, to make that House superior to, and independent of, the people whom it purports to represent.

The composition of that House is not less repugnant to the idea of the popular sovereignty. Its members were at no time equally apportioned among the people; never were the qualifications of electors uniform throughout the kingdom; never was its organization, its powers, or its tenure of service pre-

scribed by any solemn expression of the public will. Commencing at a time and under circumstances which rendered inequalities in the apportionment of its members, and in the qualifications of electors, unavoidable, those inequalities increased from age to age, until, at the commencement of the reign of George III., the right of suffrage had fallen into the hands of a few fractions of the people, and those for the most part the least qualified, either by knowledge or personal independence, for the enjoyment of such a privilege. A majority of the members were chosen by about six or seven thousand voters out a nation of as many millions. The great towns of Birmingham, Manchester and Leeds, which had sprung up as the ancient boroughs sunk into insignificance, sent no representatives to the House of Commons; the rotten boroughs appointed many. Old Sarum, long known, by way of eminence, as the type of the class, with only one or two families, was entitled to *two* members; London, Westminster and Southwark, with a million of souls, were entitled to but *eight*.

Along with this enormous inequality in the apportionment of the members, there had been a corresponding deterioration in the practical exercise of the right of suffrage. As it gradually fell into fewer hands, the practice of buying votes became more and more general, until at length it was so common as not to be

considered a crime ; so necessary to success, as to be resorted to without a blush. Nor was this the only evil produced or facilitated by the violation of the true principles of representative government. The electors, being in all cases, but a small portion of the people, and in many, notoriously ignorant or venal, the claim of entire independence on the part of the representative, except so far as he might think it proper to consult his constituents, naturally followed. The responsibility of the representative was further diminished by his long term of service ; and the practice of yielding, under the influence of sordid motives, a blind and stipulated support to the crown, or to the patron at whose will the seat was held, became at length the standing reproach of the assembly.

In the mean time English statesmen of the greatest eminence, and English writers on law, philosophy and morals, continued to laud and magnify the British constitution, as the most perfect system of government ever devised by the wit of man ; and to boast of the House of Commons as its most admirable part. In 1765, the learned and classic Blackstone, though lamenting the "incurvations of practice," to which I have alluded, could speak doubtingly as to the usefulness of any change in the constitution of the House ;* in 1780, the philosophic orator and statesman, Ed-

* 1 Bl. Com. 172 and note n.

mund Burke, could hold the like language;* and a few years later, the judicious Paley, in the same breath in which he points out the utter disregard of equality and uniformity in the privilege of voting, and admits, that one-half the House obtain their seats by purchase, or by the nomination of single proprietors of boroughs; and that the crown, by the systematic employment of influence, commands the votes of a large proportion of these and other members, could maintain, by elaborate arguments, that it was *inexpedient* to favor the attempts then beginning to be made to lop off these flagrant abuses!† Had the men of '76 been bred in this school of politics and of morals, think you they would have achieved the American Revolution? And with such instructions from the wise, the worthy, and the comparatively liberal; with the influence of old habits; with the power of the crown, of the hereditary orders, and of the hierarchy, all combined to uphold and perpetuate the system; can we wonder, that it should have taken the British nation half a century to effect the partial reform accomplished in 1830?

The fathers of the American Republic had not so learned the science of Representative Government. They were familiar with the history of the conflicts between the Commons and their supporters, and the

* Letter to the Chairman of the Buckinghamshire Meeting.

† Paley's Moral and Political Philos. Book vi. ch. 7. published in 1785.

House of Stuart, and with the political writings of Milton, and Sidney, and Locke. From these sources, and from the suggestions of unsophisticated reason, their theoretical opinions were drawn. They were confirmed in these opinions by the experience of their ancestors here ; by the examples, which, from infancy had been present to their eyes ; and by the share they had themselves had in the government of the colonies. The embryo state brought to these shores in the cabin of the Mayflower, was a simple democracy. As such the early part of its infancy was passed. When it reached the age of eighteen years, representation was introduced. But the government was still, in principle, a true democracy ; for every person who was before entitled to attend and vote in the popular assembly, was now entitled to his free suffrage in the choice of representatives. In all the colonies, as I have already had occasion to remark, the right of suffrage was so nearly universal, as to suggest to the minds of reflecting men, and to keep constantly alive, true ideas of the sources and nature of Representative Government.

We see the influence of these opinions and habits, in every part of the new institutions.

That the supreme power resides in the people, and that all legitimate authority is derived from them ;— that government is founded in the consent of the go-

verned, and should be administered in conformity to their will, and for the promotion of their interests;—that the people have the right to inspect the conduct of their representatives, to instruct them, from time to time, and to hold them accountable for their acts;—that all men have equal rights to participate in these functions, and to enjoy these blessings;—that to define these rights, and to prevent usurpation and abuse of trust on the part of rulers, the nature, powers, and limitations of the government should be embodied in written constitutions;—that these constitutions, until revoked or altered by the people acting in their sovereign capacity, should be obligatory on all the departments of government as the supreme law;—and that the people, from time to time, have the right to revoke and alter them, and to substitute new ones in their stead;—these are the broad principles laid by the builders of our institutions, as the foundation stones of all their political architecture.

Several of the State constitutions first adopted, declared these principles in their bills of rights; and all of them, though in degrees somewhat various, carried them out in the frame work of their respective governments. The Articles of Confederation implied and recognized their truth; but the federal government established by that instrument, savored too much of the nature of a mere league, to be efficient, and was

too far removed from the people to feel the sympathies, to inspire the confidence, or to receive the support, which are indispensable to the stability and usefulness of delegated power.

When, therefore, it was found necessary to establish a more efficient system, it was done, not by increasing the powers of the old government, but by creating a new one, nearer to the people, and more distinctly recognizing the popular sovereignty, as well as the principle of representation, through a legislative body, one branch of which is to be chosen immediately by the people, and an executive head, to be chosen by electors appointed or elected solely for the purpose. On the slightest comparison of the two instruments, the superior conformity of the Constitution to the popular principle; its greater nearness to the people; and its more ready response, in all its movements, to the popular will; are as obvious as its superiority in other respects: and it is precisely because of this, that it has engaged so much more largely the affections of the people, and obtained so much more readily, their acquiescence and support, than did the Articles of Confederation. So, too, in the various amendments which have been made to the State constitutions, and in the constitutions of the thirteen new States admitted into the Union. So far as they differ from each

other, it may, in general, be affirmed, that the last has gone beyond its predecessors, in its recognition of the sovereignty of the people, and in its faith in their capacity for self-government. To this conformity of our systems of Representative Democracy to these fundamental principles, is undoubtedly to be ascribed much of their stability and success. This position, which, did the occasion permit, might be further illustrated, well deserves the profound meditation of the practical statesman, as well as of the political philosopher.

It is true, that institutions thus largely imbued with the doctrine of the sovereignty of the people, necessarily lead to frequent agitations of the public mind; that party spirit, during such periods, becomes violent; and that under its influence, erroneous decisions may be made, and much injury be done to public morals, to the rights of individuals, the happiness of society, and the interests of the nation. This has often been exemplified in the history of our State and Federal Governments; and accordingly, the mischiefs and dangers of party spirit have long been a familiar topic of lamentation and of warning. Its excesses have been denounced, time and again, by patriots and philanthropists; the eloquence of the pulpit has been exhausted on the subject; and as the flames yet continue, in despite of these efforts, to rage with un-

mitigated fury, many good men seem to fear, that nothing sacred, nothing valuable, can escape the devouring element. But institutions truly free, among a people generally virtuous and intelligent, are in no serious danger, even when environed by the fiercest conflagration ever kindled by the breath of party. Like the prodigy seen by the Hebrew prophet in the land of Midian, they shall blaze and burn, and yet not be consumed. It is only the dross and the rubbish, the "wood, hay and stubble," that shall be reduced to ashes. The "gold and silver and precious stones" shall come out of the flames brighter, purer and more durable than ever.

Such, since the establishment of the Federal Constitution, has been the experience of the American Republics. In the fifty-two years which have since rolled away, "thick clouds and dark" have frequently obscured the political horizon; the tempests of party have often swept over earth and sky; and malignant spirits have sometimes been seen, "to ride in the whirlwind and direct the storm." But these are the conditions, the indispensable conditions of republican government—the lot and the discipline of humanity when it enjoys the blessings and incurs the trials of freedom. They teach us, not that man is incapable of self-government; not that the masses should be left in hereditary bondage; not that universal suffrage

is wrong; not that any portion of the people should be excluded from enjoying it; but only the solemn, the everlasting, truth, that intelligence, virtue and reflection are indispensable to the useful exercise of the popular sovereignty. This lesson they teach with trumpet tongues:—let us heed and obey the warning they give.

See, on the other hand, the stability of governments truly liberal, in the hands of an intelligent and virtuous people, as illustrated in this part of our own history. During the period of which we speak, though our political parties have often charged each other with favoring systems of policy incompatible with our institutions, every such charge has been indignantly denied; all parties have vied with each other, in their pretensions to superior attachment to those institutions; and not a single insurrection has been set on foot to overthrow them. During the same period, Europe has been repeatedly shaken to its centre, and drenched with blood, by wars of revolution; ancient and powerful dynasties have been overthrown; many nations have been the subject of convulsion after convulsion; others have only retained their general polity, by yielding to frequent and general reforms; and it is evident to the most casual observer, that in the old world, causes are everywhere at work, which will produce, within the next

half century, still more extensive changes in the frame work of society and the policy of government.

In the mean time, the American Republics, state and federal, have gone on without revolution or change, except such as has been effected by the peaceful agency of the right of suffrage;—steadily increasing in the means of national prosperity and renown;—fulfilling, and more than fulfilling, the hopes of their founders;—and proving, that to give success and stability to democratic institutions, in the hands of an intelligent and virtuous people, it is only necessary to adhere with sincerity, and in a confiding spirit, to the fundamental principles on which they rest.

The capacity of our institutions to secure discussion, without disorder, in our representative assemblies, and to concentrate and execute, in a wise and just manner, the public will as expressed by those bodies, is the last of the elements of their success which I proposed to illustrate.

In the nature of things, it is impossible for a popular assembly to pass, understandingly, on complex questions, involving numerous details, such as constantly arise in every community.

Still more impossible is it for such assemblies, to make those modifications and amendments, which,

after thorough debate and mature reflection by many minds, will ever be found indispensable to the perfection of the best considered schemes. Hence it was, that in the democracies and mixed governments of antiquity, the functions of such assemblies were generally confined to the mere affirming or negating, a simple proposition laid before them by their magistrates.

The popular assemblies of antiquity, from the want of useful methods of procedure, were incapable of deciding, with advantage, even on such a proposition. Ever liable to be deluded by demagogues, to be defrauded by the aristocracy, or to be distracted by disorders and tumults among themselves, one after another became the victims of corruption, anarchy or despotic power.

The popular assemblies of the middle ages, though not more comprehensive in their functions, than the ancient models, were equally turbulent; and in like manner fell a prey to faction and disorder from within, or to violence and corruption from without.

Representation furnishes a means of more mature deliberation, as well as of avoiding the confusion and disorder of popular assemblies. But to render representative bodies efficient, they need, equally with such assemblies, a wise internal regimen; and when numerous, as in all large states, they should be, they

are equally fruitless of good, if deficient in such a regimen. An assembly of the wisest of men, without rules and orders, calculated to develope, in tangible results, the wisdom they possess, is comparatively imbecile: if they have among them one or two impatient or disorganizing spirits, they are ever liable to be converted into a mob.

The representative bodies of modern Europe, with one brilliant exception, have been grossly deficient in this respect, and have, therefore, but repeated the fortunes and the failures, of the popular assemblies.

The weakness, waywardness and turbulence of the States General in France, during the whole period of their existence, and of the Diets and other similar bodies in other parts of Continental Europe; their inefficiency to-day, and their violence to-morrow; the little service they rendered to the people, and the feeble restraints they imposed on the crown and the nobles; are chiefly to be ascribed to the want of suitable modes of securing order in their deliberations, and giving efficacy to their will. In later times, the fatal anarchy and violence of the French National Assembly and its successors, have furnished frightful illustrations of the same truth. It is not, perhaps, too much to say, that had the first of these bodies, possessed a suitable method of procedure, the brilliant dawn of liberty in France, hailed

with so much delight by Washington, Franklin, and their associates, instead of being so soon shrouded in the blackness of thick night, might have been followed by a long and auspicious day.*

Even in our own times, the deliberative bodies of France, and the other limited monarchies of Europe, with the single exception of Great Britain, are frequently as tumultuous, as liable to sudden excitements, as hasty in their decisions, as an ordinary popular assembly. As a general rule, too, they are as incapable of working out, by debate and emendation, a connected series of harmonious propositions. The attempts of our Mexican neighbors and of the South American Republics, whether in the legislatures of separate states or in federative councils, have been equally unsuccessful.

* In the recently published *Memoirs of SIR SAMUEL ROMILLY*, we have an interesting account of an attempt made with his assistance, to furnish the States General of 1789, (the first National Assembly,) with an improved method of procedure. It appears, that in 1788, one of the members of that body, in anticipation of its meeting, and with a view to prevent the difficulties and disorders so frequent in its history, requested ROMILLY, then a young barrister, to send him some English work on parliamentary practice, to serve as a guide in the approaching session. There being no book precisely adapted to the purpose, ROMILLY took the pains to prepare a treatise on the subject, which he transmitted in manuscript to his correspondent. In consequence of the death of the latter, this document fell into the hands of the celebrated MIRABEAU, who caused it to be translated into French, and published with a commendatory preface; and who made great efforts to induce the Assembly to avail themselves of the instruction it contained. The unwillingness of his associates to borrow wisdom from the English, defeated these efforts. The old system was retained and its usual consequences followed. M. DUMONT, in his introduction to BENTHAM'S *Tactique de Legislation*, also mentions these facts; and he fully sustains the particular observation above made, as well as the general scope of this part of my address, which will receive further illustration from DE LOLME *On the English Constitution*, and ADAMS' *Defence of the American Constitutions*. The great object of the latter work is, indeed, to show the necessity and advantages of a division of the legislative department into two distinct assemblies, with a power in the executive to check their proceedings; but the disorders and other evils of the single assemblies, whether popular or representative, of which it gives so instructive an account, are doubtless to be ascribed, in no small degree, to the want of suitable methods of discussion and procedure.

In Great Britain alone, of all the nations of the old world, has a system of rules of privilege and of procedure been devised, possessing, in an eminent degree, perhaps, in as high degree as belongs to human affairs, the beneficent tendencies required in such a system. The law and custom of Parliament, as that body of rules to which I refer, is denominated, is one of the most wonderful achievements of the Anglo-Saxon race. This portion of the English common law, like the venerable tree of which it forms a branch, was the slow growth of ages; many of them ages of trial and of conflict; the last of the series, ages also of ripe learning, of subtle logic, of advanced civilization.

Until recently the inequalities and other defects, which, from the beginning, have entered into the constitution of the House of Commons, have excited comparatively little regard on the part even of that House; and most of its members have seemed to prefer that it should continue, in this respect, a splendid imperfection. But from the earliest epoch in its history, we find the members of this body, laboring with zeal, to establish the privileges of their House; to protect its members from the encroachments of the crown and of the lords; to place, on a sure foundation, the right of debate; and to mature a plan for conducting, with dignity and order,

the business of the assembly. Similar efforts, in process of time, were made by the aristocracy in the other House ; and amid the rivalries of the two bodies, often occurring and sometimes of long duration ; the contentions of opposing parties in each House ; the united struggles of the two against the crown ; and the labors of both for the general good—according to the circumstances of the times—a system of rules of privilege and procedure was at length wrought out, which, for more than a century, has required little or no amendment. Deriving its principles from the sturdy spirit of Saxon liberty ; improved, from time to time, by the suggestions of experience, or the instant demands of some critical emergency ; resting at first in traditionary and isolated customs, but at length moulded into form, by the Mores, the Bacons, the Whitelocks, the Somerses, and other great lawyers often found in each House, and not unfrequently Speakers of the House of Commons ; and favored by the judges of the highest courts, as well as by the great body of the people ; this law of Parliament has given to the British Legislature, in spite of inherent defects in its composition, a habit of free and orderly debate, a faculty of useful deliberation, a promptitude and energy of will, and a consequent stability and grandeur, before unknown in the history of deliberative assemblies. This system had nearly reached its

height, when the colonies of Virginia, of Plymouth and of Massachusetts, were planted on these shores. Our ancestors were, therefore, acquainted with its details; and as a matter of course, and probably without once stopping to inquire whether they were susceptible of improvement, put them in operation in the first colonial legislatures. To a considerable extent, also, these rules of parliamentary procedure were adopted in those little democracies, the townships, parishes and precincts, into which the colonies were divided; and soon became indissolubly interwoven with their institutions and proportionably familiar to the people. Long before the commencement of the troubles which ended in the revolution, they had become firmly established in the habits of the country, and were applied with ease, in the primary assemblies as well as in the conventions and congresses of that era. With equal ease was the system adopted in the newly formed legislatures, both state and federal; and in the long period which has since elapsed, no change has been made in its principles, nor has any diminution of its usefulness been perceived. No one who duly reflects upon the subject, can doubt, that in the possession of this system, is to be found, one of the chief elements of the success of Representative Democracy in the United States.

GENTLEMEN OF THE SENATE :

I have thus sketched the progress of Representative Democracy in the United States, and have pointed out some of the elements of its success. It is announced in the preamble to the constitution of your society, that one of the leading ends you have in view, in your organization and proceedings, is, to make yourselves "acquainted with the rules and usages of parliamentary assemblies." If the views just taken of the connexion of those rules and usages with the success of Representative Government, be well founded, they will amply vindicate the propriety and usefulness of this part of your plan. Some knowledge on this subject is necessary to the understanding of even the ordinary newspaper reports of the proceedings of our legislative assemblies; and every citizen, whatever be his calling, would do well to acquire an accurate notion of its more important principles.

The nature of our institutions, the character of our people, and the movements of the age, lead constantly to public assemblages for discussion and associated effort. The several professions have their meetings for the like purpose; the different religious communities have their ecclesiastical judicatories and conventions; and in addition to all these voluntary assemblies, there are those held by authority of law,

from the council boards of the village to the legislatures of the state and of the Union. In some, perhaps in many of these, every intelligent and virtuous citizen may be called to take a part. To enable him to do so with most advantage to his constituents and with most honor to himself, he should be thoroughly versed in the principles and practice of parliamentary law. He, who to plain common sense and a tolerable utterance, adds this qualification in an eminent degree, need not repine, when called into the public service, though the gifts of genius and of eloquence be denied him. In the deliberative assemblies of the United States, such a man will always be respected and felt, and will often accomplish more than the most brilliant and powerful debater who is unfurnished with these advantages.

It is true, that attainments of this sort consist, for the most part, in a knowledge of mere *forms*, and in ability to employ them with facility and skill. But these forms are not only essential to wise legislation, but are among the substantial bulwarks of public liberty. They may sometimes be abused by a factious minority, to delay the public business; but the injury resulting from such delay is only temporary, and serious abuses of this nature will receive, in due time, their just condemnation. In these forms, on the other hand, the minority find time and opportunity,

which might otherwise be denied them, for discussion and remonstrance. Measures of evil tendency, which but for this might be passed in "hot haste," may thus be defeated or materially modified. Above all, they secure that publicity, which, in high party times, is indispensable to check the career of power; to warn the people of measures which might otherwise come upon them by surprise; and to call out those expressions of public sentiment, which may oftentimes prevent the representative body from overleaping, either by ignorance or design, the barriers of the constitution. He, therefore, who despises the knowledge of these forms, has a very inadequate idea of their nature and uses; and every statesman should understand, that they are essential to the orderly and safe movement of a Representative Democracy.

Some instruction on parliamentary law might, properly enough, form a part of academical education; and in the absence of such instruction, it is particularly fit, that the young men in our universities should take measures, by voluntary associations, to supply the deficiency. The educated youth of the United States, may, without presumption, look forward to the time, when they may be called to represent their fellow-citizens, in some one of their legislative assemblies; and every effort to prepare for the responsibilities of such a trust, deserves to be encouraged by

the wise and the good,—by the scholar and the patriot.

You will need, however, something more than the knowledge of parliamentary usages, important as it is, before you can be well prepared to meet the responsibilities of public life. You will require full information on the principles of our state and federal constitutions; the resources and condition of the Union and its relations to foreign powers; the interests of the state to which you belong; and the general questions of policy, which, from time to time, may arise in the history of our affairs. Above all, you will need mature and well settled principles in morals, and exemplary habits of personal virtue. It has been said of old, *that to be a good orator one must first be a good man*. This aphorism is even truer in its application to the STATESMAN. No gifts of genius; no splendor of eloquence; no extent of knowledge; no experience or tact in the management of affairs, can make up for the fatal deficiency of the want of integrity. Be it yours, then, my young friends, to discipline yourselves in the art of virtue, as well as in other accomplishments; so that when you shall be called to the high trust of representing you fellow-citizens in their deliberative assemblies, you may be prepared to emulate the patriotism, the disinterestedness, the honesty, of the great men who achieved your coun-

try's independence, and reared the institutions under which it is your happiness to live. Be faithful to your constituents; be faithful to the interests of the mass. Labor to diffuse, far and wide, knowledge and virtue—the only sure preservatives of freedom. Consult, invariably, the public good; the *public good* in contradistinction to all merely personal and selfish objects; the *public good* in contradistinction to the interests of particular classes of men or particular districts of territory; the *public good* in contradistinction to partial interests of every kind. In the pursuit of this end, eschew all dishonorable means. The infamous maxim, “that the *end* sanctifies the *means*,” reject with horror and contempt—with horror as monstrously profligate, with contempt as infinitely foolish. In your contests with political opponents, for you will have such contests if you engage in public life, use no weapons, resort to no mode of warfare, which conscience disapproves; but see to it, that every part of your armor be of the true temper—forged by justice in the living fires of truth and duty. As a sure guide in the discharge of all your functions, take the Bible as your chart. 'Tis the best manual for the statesman, as well as for men of every other calling. Fear God; reverence the institutions of your country; and cherish, as above all price, the union of the states—the object of so many

hopes and prayers; the fruit of so much laborious toil, of such consummate wisdom, such fraternal concession, such exemplary devotion to the public good. He who dashes a costly mirror, in a moment of wantonness or folly, to the earth, will strive, in vain, to reunite the broken fragments; but from each he will see reflected, the regrets, the self-reproach and the despair, which the conviction of his folly will stamp upon his features. This is but a faint image of the ruin they will effect, who shall bring about a catastrophe so fatal as the destruction of the Union; of the agony they will suffer, when reason regains its throne, who shall have part or lot in a deed so awful. Shrink with horror from the first approach to such a crime. Obey, in all things, the injunctions of the Constitution and the voice of conscience; and having done so, commit, with unfaltering trust, the issue of your labors and the interests of your country, to the providence of God, and await, with cheerfulness and hope, the awards of the final hour when the rulers of earth shall account for their stewardship, and when each of you shall answer for the talents committed to his keeping.

